HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 22525 of 2007

Dated: 25-10-2007

Between:

Musalikoppu Janardhan and 102 others.

..... PETITIC

AND

The Government of Andhra Pradesh,
Rep., by its Secretary,
Secretariat, Hyderabad and 3 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 22525 of 2007

O R D E R:

This writ petition is filed for the following substantive relief:

> "To issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not passing orders on the petitioner's applications dated 02-07-2007 in Award No.7/93-94, dated 27-3-1994 of Reach No.II of Thimmarajupalli Harijanawada (v), Nandalur Mandal, Kadapa District by re-determining Under Section 28-A of L.A.Act to pay the enhanced compensation payable to the petitioners in terms of the Judgment dated
> 23-3-2007 in L.A.c.No.199/2007 on the file of the District Legal Services Authority, Kadapa relating to LAOP.No. 108/2000 on the file of the Hon'ble Senior Civil Judge's Court, Rajampet, Kadapa District, as per the PV statement prepared by the 3rd respondent dated 30-9-2007 with Award interest at 9% from the date of award i.e., 27-3-2007 and at 15% from the date of award i.e., 28-3-1994 till the date of passing fresh award U/s 28-a of L.A.Act as illegal, arbitrary and unjust and unconstitutional and violative of Articles 14,21 and 300-A of the Constitution of India and pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case."

After arguing the case for some time, learned counsel for the petitioners seek permission of the Court to withdraw the writ petition with liberty to file a fresh writ petition at appropriate stage.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn in terms of the prayer made. No costs.

C.V.NAGARJUNA REDDY,J

Date: 25-10-2007

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After dictating the above order and before signing the order, learned

counsel made a mention and he wanted it to be an order of this Court instead of the one based on a request for withdrawal.

Accordingly, this order is being passed.

The grievance of the petitioners in this writ petition is that though they have made representations on 02-07-2007, so far respondent No.3 has not passed an order under Section 28-A of the Land Acquisition Act, 1894. On the petitioners' own showing, they made their application on 02-07-2007 and within 2 ½ months thereafter, the present writ petition is filed. In my considered view, in a matter, which pertains to the award of the year 1994 wherein claims of more than 100 persons are involved, a time lapse of about 2 ½ months does not constitute unreasonable delay in consideration of application of the petitioners. The respondents, who are entrusted with various other administrative and statutory functions, are entitled to some reasonable time for considering and disposing of the applications.

I am, therefore, of the opinion that this writ petition is too premature to be entertained. The writ petition is therefore, dismissed. However, in the event of any inordinate delay caused by the respondents in the disposal of the petitioners' applications, they are at liberty to approach this Court at an appropriate time. No costs.

C.V.NAGARJUNA REDDY,J

Date: 25-10-2007
KLP